

State of South Dakota

SEVENTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 1997

390A0726

SENATE BILL NO. 236

Introduced by: Senators Daugaard, Flowers, Kloucek, Munson (David), Paisley, and Reedy and
Representatives Koetzle, Belatti, Cerny, Fischer-Clemens, Gabriel, Hagen,
Lucas, Moore, and Pederson (Gordon)

1 FOR AN ACT ENTITLED, An Act to establish a program to provide a television access
2 program for persons who are deaf and hard of hearing.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

- 5 (1) "Closed captioning," services designed for persons with hearing disabilities that
6 provide a live or prerecorded visual presentation of the sound associated with a given
7 television program. Captioning services are not visible except on a television receiver
8 designed to display them or by use of a specifically installed decoder;
- 9 (2) "Community antenna television system," "CATV system," or "system," any system of
10 coaxial cables or other electrical conductors and equipment used or to be used
11 primarily to receive television or radio signals, directly or indirectly, off-the-air and
12 transmit them to subscribers for a fee;
- 13 (3) "Interpreter services," the relaying of any local news program to the general public
14 through the use of qualified sign language interpreters as defined in § 31-36A-10 and
15 as determined in the rules of the Department of Human Services. The interpreter

1 services are accomplished by simultaneously broadcasting the sign language
2 interpreter's actual person in the same visual frame as the local news announcer. The
3 sign language interpreter simultaneously signs the contents of the local programmed
4 news as it is spoken by the local news announcer;

5 (4) "Local cable company," a local cable company, as defined in §§ 9-35-16 to 9-35-24,
6 that provides CATV systems to members of the general public who are its customers;

7 (5) "Local broadcasting news program," any news program and local broadcasted
8 television programs produced in South Dakota, including sports, weather, emergency,
9 legislation, education, governmental, health, and any other essential program;

10 (6) "Persons who are deaf or hard of hearing," any person who has a hearing loss causing
11 difficulty in understanding spoken language;

12 (7) "Real-time captioning," any service similar to closed captioning but specifically used
13 to reference the live captioning of programs versus the captioning of prerecorded
14 programs. These services are rendered simultaneously as a program is being
15 broadcasted; and

16 (8) "Television access," the provision of interpreting or captioning services for local news
17 and other local programming.

18 Section 2. The Department of Human Services shall establish and administer a statewide
19 television access program for persons who are deaf or hard of hearing. This program may be
20 implemented through contracts with public or private organizations in South Dakota that provide
21 services to persons who are deaf or hard of hearing.

22 Section 3. There is created in the state treasury, the television access fund for the deaf or
23 hard of hearing for the deposit of money collected under the provisions of this Act, necessary
24 to cover the costs of providing closed and real time captioning and interpreting service, including
25 the cost of implementing and administering this Act. Any money in the fund is continuously

1 appropriated for the purposes of this Act.

2 Section 4. Notwithstanding §§ 9-35-16 to 9-35-24, all South Dakota based, local television
3 stations, including South Dakota Public Television, KABY, KDLT, KCLO, KELO, KEVN,
4 KSFY, KPLO, KTTW, and KOTA, shall provide closed captioning, or until closed captioning
5 can be fully implemented in each local television station's broadcast, provide interpretive
6 captioning in the production and dissemination of all local news program broadcasts. However,
7 all South Dakota based, local television stations shall provide closed captioning on all local
8 broadcasting as defined in section 1 of this Act no later than July 1, 1999.

9 Section 5. There is hereby imposed an access fee of fifty cents per cable access line, new or
10 existing, per household, per month to pay for the program established in this Act. The access fee
11 shall be paid by each cable television subscriber to a CATV system. The access fee shall be
12 reported as a separate line and collected on the regular monthly bill by each CATV system
13 provider in this state. On or before the last day of the month following each two-month period,
14 every CATV system provider shall remit to the Department of Revenue on forms furnished by
15 the department the amount of the access fee collected for that two-month period. The secretary
16 of revenue may grant an extension of not more than five days for filing a remittance. The
17 Department of Revenue shall deposit the money received under this Act into the television access
18 fund for the deaf and hard of hearing.

19 Section 6. No single customer of a CATV system provider is required to pay the television
20 access fee on more than one hundred cable service lines per account in this state.

21 Section 7. No CATV system provider has any obligation to take any legal action to enforce
22 the collection of any charge imposed pursuant to this Act. The CATV system provider is not
23 liable for such uncollected amounts.

24 Section 8. The access fee imposed in section 5 of this Act is subject to annual review by the
25 Department of Human Services. Each year the department shall report to the Legislature and

1 recommend whether the access fee should be increased or decreased in order that the money
2 raised by the access fee pays for the costs of the program.

3 Section 9. The CATV system provider may retain one percent of the collected amount, as
4 the cost of administration for collecting the charge.

5 Section 10. The secretary of the Department of Human Services may accept and expend for
6 the purpose of this Act, in addition to the amount in section 5 of this Act, any funds obtained
7 from federal sources, gifts, contributions, or any other source if such acceptance and expenditure
8 is approved in accordance with § 4-8B-10.

9 Section 11. Expenditures authorized by this Act shall be paid on warrants drawn by the state
10 auditor on vouchers approved by the secretary of the Department of Human Services.